

PLAINTIFF'S TRIAL EXHIBIT 5

NOTICE OF APPEARANCE OF ATTORNEY DATED 01/98

[687]

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following-named person(s):

NAME <b>Josie</b>	BORGES	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>		
ADDRESS <b>3B</b>	(Apt. No.) <b>161 East 22 Street</b>	(City) <b>New York</b>	(State) <b>New York</b>	(ZIP Code) <b>10010</b>	
NAME <b>Josie</b>	LAMARCA-BORGES	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>		
ADDRESS	(Apt. No.) <b>same as</b>	(Number & Street) <b>beneficiary</b>	(City)	(State)	(ZIP Code)

Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia

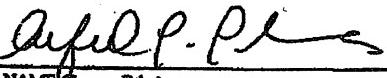
**COURT OF APPEALS OF THE CITY AND STATE OF NEW YORK** and am not under a  
(Name of Court)

court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise  
restricting me in practicing law.

2. I am an accredited representative of the following-named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with \_\_\_\_\_  
the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2, whichever is appropriate.)

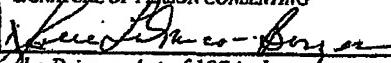
4. Others (Explain fully.)

SIGNATURE 	COMPLETE ADDRESS <b>P.O.Box 7806 - FDR Station, New York, NY 10150-1915</b>
NAME (Type or Print) <b>Alfred P. Placeres, Esq.</b>	TELEPHONE NUMBER <b>212-463-9068</b>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING-NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: Alfred P. Placeres, Esq.

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING <b>Josie LAMARCA-BORGES</b>	SIGNATURE OF PERSON CONSENTING 	DATE <b>01/98</b>
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)		

Form G-28  
(Rev. 10-25-79)N

(OVER)

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

PLAINTIFF'S  
EXHIBIT

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## PLAINTIFF'S TRIAL EXHIBIT 8

### APPLICATION FOR ADJUSTMENT OF STATUS DATED 01/98

**START**

**[692-695]**

#### **Part 1. Information about you.**

Family Name <b>BORGES</b>	Given Name <b>Jose</b>	Middle Initial <b>A</b>
Address - C/O _____		
Street Number and Name <b>161 East 22 Street</b>		Apt. # <b>3B</b>
City <b>New York</b>		
State <b>New York</b>	Zip Code <b>10010</b>	
Date of Birth (month/day/year) <b>03/23/70</b>	Country of Birth <b>Venezuela</b>	
Social Security # <b>None</b>	A# (if any) <b>None</b>	
Date of Last Arrival (month/day/year) <b>03/90</b>	I-94 # <b>                  </b>	
Current INS Status <b>pending</b>	Expires on (month/day/year)	

#### **Part 2. Application Type. (check one)**

I am applying for adjustment to permanent resident status because:

- a.  an immigrant petition giving me an immediately available immigrant visa number has been approved (attach a copy of the approval notice), or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application will give me an immediately available visa number if approved.
- b.  My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c.  I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e) (attach a copy of the fiance(e) petition approval notice and the marriage certificate).
- d.  I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e.  I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f.  I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g.  I have continuously resided in the U.S. since before January 1, 1972.
- h.  Other-explain \_\_\_\_\_

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever is later, and: (Check one)

- i.  I am a native or citizen of Cuba and meet the description in (e), above.
- j.  I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Form I-485 (08-08-97W)

Continued on back

Returned	Receipt
_____	_____
_____	_____
_____	_____
Resubmitted	_____
_____	_____
Reloc Sent	_____
_____	_____
Reloc Rec'd	_____
_____	_____
<input type="checkbox"/> Applicant Interviewed	_____

#### Section of Law

- Sec. 203(b), INA
- Sec. 13, Act of 9/11/57
- Sec. 245, INA
- Sec. 249, INA
- Sec. 1 Act of 11/2/68
- Sec. 2 Act of 11/2/68
- Other \_\_\_\_\_

#### Country Chargeable

#### Eligibility Under Sec. 245

- Approved Visa Petition
- Dependent of Principal Alien
- Special Immigrant
- Other \_\_\_\_\_

#### Preference

#### Action Block

To Be Completed by  
**Attorney or Representative, if any**  
 Fill in box if G-28 is attached to represent  
the applicant

VOLAG#

ATTY State License #

000159



**Part: 3. Processing Information**

A. City/Town/Village of birth <b>Caracas</b>	Current occupation
Your mother's first name <b>Hilda</b>	Your father's first name <b>Jorge</b>

Give your name exactly how it appears on your Arrival /Departure Record (Form I-94)

Place of last entry into the U.S. (City/State) <b>New York City NY</b>	In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) <b>visitor</b>
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Nonimmigrant Visa Number <b>227920</b>	Consulate where Visa was issued <b>Maracaibo</b>
Date Visa was Issued (month/day/year) <b>09/23/93</b>	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
	Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed

Have you ever before applied for permanent resident status in the U.S.?  No  Yes (give date and place of filing and final disposition):

B. List your present husband/wife, all your sons and daughters (If you have none, write "none". If additional space is needed, use separate paper).

Family Name <b>La Marca-Borges</b>	Given Name <b>Jolie</b>	Middle Initial <b>S</b>	Date of Birth (month/day/year) <b>11/26/62</b>
Country of birth <b>USA</b>	Relationship <b>spouse</b>	A # N/A	Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name of organization, location, dates of membership from and to, and the nature of the organization. If additional space is needed, use separate paper.

None

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**Part 3: Processing Information. (continued)**

Please answer the following questions. (If your answer is "YES" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
  - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested?
  - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?
  - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action?
  - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.?

Yes  No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?  

Yes  No
3. Have you ever:
  - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future?
  - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?
  - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally?
  - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?

Yes  No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?  

Yes  No
5. Do you intend to engage in the U.S. in:
  - a. espionage?
  - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means?
  - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?

Yes  No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?  

Yes  No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion?  

Yes  No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion?  

Yes  No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?  

Yes  No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?  

Yes  No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces?  

Yes  No
12. Have you ever been a nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not yet complied with that requirement or obtained a waiver?  

Yes  No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child?  

Yes  No
14. Do you plan to practice polygamy in the U.S.?  

Yes  No

**Part 4. Signature.** (Read the information on penalties in the instructions before signing this section. You must file this application within the United States.)

I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature

Print Your Name  
Jose Antonio BORGES

Date  
01/98

Daytime Phone Number

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

**Part 5. Signature of person preparing form if other than above. (Sign Below)**

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name  
Alfred P. Placeres, Esq.

Date  
01/98

Daytime Phone Number  
212-463-9068

Firm/Name  
and Address

P.O.Box 7806 - FDR Station, New York, NY 10150-1915

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